



The Clean Electricity and Transmission Acceleration Act of 2023

SEEC Clean Energy Deployment Task Force

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Section-by-Section Summary

Title I: Improvement of National Electricity Transmission Capacity.

(All sections in this title amend the Federal Power Act (FPA), except Sec. 110, which amends the Internal Revenue Code.)

Sec. 101. Definitions. Adds definitions to the FPA for the purposes of this title.

Sec. 102. Improvement of interregional electric transmission planning. Directs the Federal Energy Regulatory Commission (FERC) to increase the effectiveness of the existing planning processes of Transmission Organizations in advancing interregional transmission projects that are efficient, cost-effective, and broadly beneficial. Directs FERC to publish an annual report on the progress of each Transmission Organization in advancing interregional transmission projects.

Sec. 103. Allocation of costs of interregional electric transmission facilities. Directs FERC to allocate the costs of any “transmission facility of national significance” to customers in a manner that is roughly commensurate with the reasonably anticipated transmission benefits. Defines “transmission benefits” (in section 101) as the broad range of economic, operational, safety, resilience, public policy, environmental benefits, as identified by FERC. Defines “transmission facility of national significance” as (a) an interstate transmission line with more than 1000 megawatts of capacity, (b) an upgrade of an existing transmission line of more than 500 megawatts, or (c) an offshore transmission line.

Sec. 104. Allocation of costs of electricity interconnection and network upgrades. Directs FERC to require transmission utilities to allocate the costs of interconnections and network upgrades in a manner roughly commensurate with the reasonably anticipated transmission benefits and not to allocate the costs solely to the requesting interconnection customer. Also allows an interconnection customer to voluntarily pay the upfront costs of an upgrade, to be refunded within 10 years of completion.

Sec. 105. Deployment of grid enhancing assets. Directs FERC to require transmitting utilities to consult with the transmission system owner or operator, and the interconnection customer, about deploying grid enhancing assets in addition to or as a substitute for transmission expansion. Allows the interconnection customer then to request the use of such grid enhancing assets and allocates the cost to customers according to transmission benefits. Defines “grid enhancing assets” (in section 101) broadly, including technologies associated with energy storage, electricity demand response, distributed electricity generation, dynamic line rating, and advanced transmission technologies, such as composite reinforced aluminum conductors.

Sec. 106. Protection of electricity reliability through improved interregional transfer capability. Directs FERC to establish minimum levels of electricity transfer capabilities between each region, and to require each transmission planning region to coordinate with its neighbors to plan for the required interregional transmission. Requires minimum transfer levels of 30% of a region’s peak electricity demand (or 15% in the case of a transmission planning region that borders only one other transmission planning region), unless FERC finds, upon a showing by a transmission planning region, that a lower level can achieve the same or greater transmission benefits.

- Sec. 107. Increased FERC transmission siting authority. Gives FERC exclusive siting authority for national interest transmission lines, defined as crossing two or more States and with a capacity that exceeds 1000 megawatts. Directs FERC to base its decision to exercise such authority on the extent to which a given transmission line will improve electricity reliability and resilience, enable the use of renewable energy, utilize existing facilities, and minimize the use of eminent domain.
- Sec. 108. Facilitation of efficient environmental review of the designation of national interest electric transmission corridors. Provides that the Department of Energy and FERC should not author duplicative environmental documents under the National Environmental Policy Act (NEPA) in their respective roles of designating National Interest Electric Transmission Facilities and granting such facilities a construction permit. Directs FERC to incorporate the findings of DOE's environmental document into any corresponding environmental document prepared by FERC.
- Sec. 109. Increased flexibility for Federal transmission financing. Amends the Inflation Reduction Act and Bipartisan Infrastructure Law to allow DOE to finance transmission facilities designated by DOE as in the "national interest." Such financing is currently limited to transmission facilities in a national interest electric transmission corridor.
- Sec. 110. Establishment of transmission investment tax credit. Establishes an investment tax credit to pay 6% of the cost of new electricity transmission lines, modified existing transmission lines, and related property, with a 5x multiplier (for a total of 30%) for projects that meet prevailing wage and apprenticeship requirements. If new, the line must be used primarily to enhance resilience, address clearance concerns, facilitate electric interconnection, and either be a superconducting transmission line of more than 750 megawatts or include an advanced transmission conductor. If an existing transmission line, the project must increase the transmission capacity of the existing line by at least 500 megawatts. If a related property, the project may consist of interconnections, generator tie lines, grid enhancing technologies, or subcomponents.

Title II: Improvement of Governance and Efficiency of the Grid.

- Sec. 201. Allowance of establishment of FERC Office of Electricity Transmission. Allows establishment of a FERC Office of Electricity Transmission.
- Sec. 202. Support for FERC staffing. Gives the FERC chairman the authority to directly appoint employees with scientific, technical, engineering, mathematical, legal, or otherwise highly specialized expertise in the event as severe shortage of candidates or a critical hiring need. Also allows FERC to proceed with its new compensation plan if the Office of Personnel Management has taken no action on FERC's proposed plan within 120 days of its submission.
- Sec. 203. Evaluation of FERC fee assessments. Directs FERC to reassess every five years whether its fees are sufficient to handle its workload in an expedient manner.
- Sec. 204. Establishment of independent transmission monitors. Requires FERC to either establish an independent transmission monitor or require each Regional Transmission Operator (RTO) and Independent System Operator (ISO) to establish their own monitors. The role of the monitor is to provide analysis as to whether transmission facilities are being deployed and operated transparently, efficiently, and cost-effectively.

- Sec. 205. Assurance of interoperability of offshore electric transmission infrastructure. Requires DOE to assess the need and establish a program to standardize interoperability of equipment for shared offshore transmission networks.
- Sec. 206. Aggregator bidding into organized wholesale electric markets. Makes aggregated electricity demand response eligible to participate in all wholesale electricity markets, regardless of the State in which they are located.
- Sec. 207. Expansion of community solar. Requires DOE to expand community solar options to individuals, businesses, nonprofit organizations, States, local government, and Tribal governments. Also requires DOE to expand the existing grant, loan and financing programs to include community solar projects. Requires each electric utility to provide ratepayers access to community solar programs. Extends the amount of time the General Services Administration may contract for procurement from public utilities from 10 years to 30 years.
- Sec. 208. Establishment of program to facilitate voluntary streamlined process for local permitting of qualifying distributed energy systems. Establishes a program in DOE to expedite, standardize, streamline, or improve processes for permitting and interconnecting distributed energy resources, including by providing incentives to communities to adopt DOE's model permitting process.
- Sec. 209. Mitigation of the shortage of electricity transformers. Authorizes \$2.1 billion to address the shortage of electricity transformers and complementary grid security technologies through the Defense Production Act.
- Sec. 210. Study of next generation highways. Directs the Federal Highway Administration to publish a report on best practices for siting high-voltage transmission lines on highway rights-of-way.

Title III: Modernization of Electricity Ratemaking

- Sec. 301. Reflection of the cost of greenhouse gas emissions in rates. Amends the FPA to clarify that FERC has the responsibility to ensure that electric utilities take into account the external cost of greenhouse gas emissions when setting their utility rates.
- Sec. 302. Facilitation of performance-based ratemaking. Amends FPA to direct FERC to establish incentive-based (including performance-based) rate treatments for interstate electricity transmission to ensure reliability and resilience, reduce the cost of electricity, and reduce the greenhouse gas emissions associated with electricity by reducing transmission congestion.

Title IV: Facilitation of Clean Energy Deployment on Public Land

- Sec. 401. Definitions. Provides definitions for this title.
- Sec. 402. Establishment of national goal for renewable energy production on Federal land. Directs the Department of the Interior to seek to issue permits that authorize total production of at least 60 gigawatts of electricity from wind, solar, and geothermal energy projects by December 31, 2030.

- Sec. 403. Requirement for land use planning and updates to programmatic environmental impact statements. Directs the Bureau of Land Management (BLM) to establish priority and variance areas for wind and solar energy. Requires land classifications to be reviewed at least once every 10 years, with modifications if necessary. Also directs the Department of the Interior to coordinate with States, Tribes, local governments, transmission owners and operators, developers, and other appropriate entities when establishing priority areas.
- Sec. 404. Limited exemptions from new requirements. Provides limited exemptions from new requirements to certain wind and solar energy projects that had already applied for a right-of-way before implementation of the 2016 Wind and Solar Leasing Rule. This section is intended to address unexpected changes to the fee structure for projects that should have operated under the old regime before implementation of the rule.
- Sec. 405. Distribution of revenues. Establishes formula for distribution of revenues from onshore solar and wind projects: 25 percent to States, 25 percent to counties, 25 percent to a new Renewable Energy Resource Conservation Fund, and 25 percent to BLM and other agencies to assist with permitting.
- Sec. 406. Incentives for renewable energy development in priority areas. Authorizes the Department of the Interior to establish incentives for owners of wind and solar energy projects in priority areas.
- Sec. 407. Savings clause. States that nothing in this title shall change the responsibility of the Secretary of the Interior to manage public lands under the principles of multiple use and sustained yield in accordance with the Federal Land Policy and Management Act and the Forest and Rangeland Renewable Resources Planning Act.

Title V: Modernization of Offshore Renewable Energy Permitting

- Sec. 501. Establishment of national offshore wind permitting target. Directs the Department of Interior to seek to issue permits that authorize electricity production from offshore wind energy projects of at least 30 gigawatts by 2030 and 50 gigawatts by 2035.
- Sec. 502. Increased responsible development of offshore renewable energy projects. Amends the Outer Continental Shelf Lands Act to provide greater certainty for offshore renewable energy development by codifying processes for the leasing and permitting of offshore wind projects. These provisions include increasing access to offshore renewable energy revenue for States, formalizing an offshore renewable energy leasing schedule, establishing a compensation fund for impacted ocean users, incorporating project labor agreements and domestic content requirements, clarifying the siting of transmission infrastructure in the National Marine Sanctuary System, and clarifying the judicial review process for such projects.
- Sec. 503. Establishment of Offshore Renewable Energy Compensation Fund. Establishes the Offshore Renewable Energy Compensation Fund in the Bureau of Ocean Energy Management to compensate eligible ocean users for damages experienced as a result of the development of an offshore renewable energy project through a claims-based process and to provide grants to eligible recipients to mitigate future damages from such projects.

Title VI: Empowerment of Communities

- Sec. 601. Establishment of Office of Environmental Justice and External Civil Rights. Codifies the establishment of the Office of Environmental Justice and External Civil Rights in the Environmental Protection Agency (EPA) to lead and coordinate EPA's Environmental Justice activities.
- Sec. 602. Establishment of White House Environmental Justice Interagency Council. Codifies the establishment of the White House Environmental Justice Interagency Council established under Executive Order 12898 to improve coordination between federal agencies on Environmental Justice matters, and directs the Council to develop an Interagency federal Environmental Justice Strategy to address current and historical environmental injustice.
- Sec. 603. Prohibition on disparate impact discrimination. Amends the Civil Rights Act of 1964 to prohibit discrimination based on disparate impact, meaning an action or practice that, even if appearing neutral, actually has the effect of discriminating on the basis of race, color, or national origin.
- Sec. 604. Provision for right of action. Amends the Civil Rights Act of 1964 to allow for private individuals and organizations to seek legal remedy when faced with discrimination.
- Sec. 605. Provision for rights of recovery. Amends the Civil Rights Act of 1964 to allow for the recovery of costs and damages pursuant to a lawsuit filed under the previous section.
- Sec. 606. Requirement for community impact reports. Directs a lead agency for a federal action to prepare a community impact report to assess the impacts of a proposed action on the health and environment for communities with Environmental Justice concerns, and to evaluate alternatives that eliminate or reduce exposure to human health or environmental hazards.
- Sec. 607. Engagement with environment justice communities and Indian Tribes in NEPA Reviews. Directs agencies to provide meaningful public involvement opportunities during the development of a NEPA document for Environmental Justice communities and Indian Tribes if affected by a project. For projects that would impact an Environmental Justice community, requires any public comment period to last at least 90 days and that multiple hearings in the affected community are held, with outreach to representative entities for any notice. For NEPA actions that may affect a Tribal community, requires the agency to seek Tribal representation in accordance with the government-to-government relationship between the United States and Tribal governments, including any treaty rights.
- Sec. 608. Requirement of notices of intent to prepare environmental documents. Directs agencies to provide specific background information when publishing a notice of intent to prepare an Environmental Impact Statement or Environmental Assessment.
- Sec. 609. Avoidance of cumulative impacts through NEPA. Requires that Environmental Impact Statements include alternatives that do not cause or contribute to adverse cumulative environmental pollution impacts on overburdened communities higher than those borne by other communities in the geographic area, except when the agency determines that the alternative would serve a compelling public interest in the affected overburdened community.

- Sec. 610. Inclusion of greenhouse gas projections in NEPA reviews. Directs the lead agency when preparing a NEPA document to consider the potential effects of the proposed action on climate change and the effects of climate change on the proposed action and to identify alternatives and mitigation measures to avoid or reduce greenhouse gas emissions of the proposed action.
- Sec. 611. Establishment of community benefits agreements. Clarifies that a lead agency may consider whether a project sponsor has entered into a Community Benefits Agreement with an affected State, Tribe, local government, or community benefits organization to offset adverse social or economic impacts of a project or to address legacy harm or cumulative impacts in the project location. Allows the lead agency to require a Community Benefits Agreement as part of an Environmental Impact Statement to offset significant adverse effects by providing social, economic, or environmental benefits.
- Sec. 612. Requirement of timely public release of NEPA documentation. Requires a lead agency to post online within three days of finalizing searchable digital files of final environmental documents to enhance transparency.
- Sec. 613. Establishment of grants for capacity building and community engagement. Directs EPA to make grants to State, Tribal, and local agencies, and to community-based organizations, to increase capacity for completing State, Tribal, and local environmental reviews, as well as enhance opportunities for communities to engage in planning and environmental review and decision making. Authorizes \$500 million per year for grants.
- Sec. 614. Establishment of fees for environmental reviews and authorizations for projects. Authorizes federal agencies to establish fees to cover the costs of environmental reviews and authorizations, which shall fund an Environmental Review Fund at each agency. Agencies may use the Fund to support staff, data collection, analyses, and other activities that will facilitate timely environmental reviews. Also allows project sponsors to contribute to a programmatic environmental review fund.
- Sec. 615. Establishment of interagency environmental data system. Directs the White House Council on Environmental Quality (CEQ), with support from EPA and the Office of Management and Budget, to establish linked interagency environmental data collection systems in order to standardize and facilitate the use of environmental data across agencies, project sponsors, and the public to support environmental reviews. Also directs CEQ to create an online portal for permits that require NEPA review. Authorizes \$20 million annually for FY 2023-2028.
- Sec. 616. Transference of unobligated balances for use under the Endangered Species Act. Allows for unobligated balances from the Bipartisan Infrastructure Law to be transferred to the U.S. Fish and Wildlife Service and the National Marine Fisheries Service for the costs of carrying out Endangered Species Act responsibilities.
- Sec. 617. Designation of senior community engagement officers and Tribal community engagement officers. Designates Senior Community Engagement Officers and Tribal Community Engagement Officers in each agency, analogous to the Chief Permitting Officers currently required to be designated by FAST-41 (42 U.S.C. 4370m et seq.). Officers would oversee and improve community engagement, and Tribal community engagement and consultation, and assist in identifying and resolving conflicts.

- Sec. 618. Establishment of FERC Environmental Justice Liaison. Directs FERC to establish Environmental Justice liaisons to support ongoing consultation and advanced planning in Environmental Justice communities and Tribal nations.
- Sec. 619. Requirement for intervenor funding at FERC Office of Public Participation. Requires FERC to provide compensation to individuals or parties from disadvantaged communities seeking to intervene in FERC proceedings.
- Sec. 620. Reform of RTO and ISO governance and participation. Requires FERC to reform the governance and stakeholder participation practices of RTOs and ISOs.
- Sec. 621. Savings clause. States that nothing in this title diminishes any right granted through NEPA to the public or any requirements under NEPA to consider direct, indirect, and cumulative impacts.
- Sec. 622. Definitions. Provides definitions for this title.